

FILED: August 25, 2023

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1719
(8:21-cv-01736-TDC)

MARYLAND SHALL ISSUE, INC.; ENGAGE ARMAMENT LLC;
ANDREW RAYMOND; CARLOS RABANALES; BRANDON FERRELL;
DERYCK WEAVER; JOSHUA EDGAR; I.C.E. FIREARMS &
DEFENSIVE TRAINING, LLC; RONALD DAVID; NANCY DAVID;
ELIYAHU SHEMONY,

Plaintiffs – Appellants,

v.

MONTGOMERY COUNTY, MARYLAND,

Defendant – Appellee.

O R D E R

Appellants have filed a motion for clarification, which they indicate may also be construed as a renewed motion for an injunction pending appeal.

Under Fed. R. App. P. 8(a)(1), a party must ordinarily move for an injunction pending appeal first in the district court. Although Appellants did file a request for

conference in the district court—pursuant to the district court’s case management order—requesting leave to file a motion for injunction pending appeal, the district court has not yet acted on that request.

Appellants then filed a motion for an injunction pending appeal in this Court, which was denied without prejudice to consideration of a future, timely motion.

Appellants’ motion for clarification with this Court points out that the district court docket contains a notation indicating that the proceedings may be stayed. However, the district court docket contains no order or other entry indicating that the district court stayed the proceedings.

In light of the district court’s inaction on the request for conference, as well as the notation suggesting that the district court proceedings may be stayed, this Court defers consideration of the instant motion in order to permit Appellants to seek clarification from the district court regarding the status of the proceedings.

For the Court

/s/ Patricia S. Connor, Clerk